that involve a change to the design type or affect its ability to retain the hazardous material in transportation. Before making any modification changes to an approved MEGC, the owner must obtain approval from the Associate Administrator as prescribed in §178.74 of this subchapter. The repair of a MEGC's structural equipment is authorized provided such repairs are made in accordance with the requirements prescribed for its approved design and construction. Any repair to the pressure receptacles of a MEGC must meet the requirements of §180.212.

(e) *Requalification markings.* Each MEGC must be durably and legibly marked in English, with the year and month, and the type of the most recent periodic requalification performed (*e.g.*, 2004–05 AE/UE, where ''AE'' represents acoustic emission and ''UE'' represents ultrasonic examination) followed by the stamp of the approval agency who performed or witnessed the most recent test.

(f) *Records.* The owner of each MEGC or the owner's authorized agent must retain a written record of the date and results of all repairs and required inspections and tests. The report must contain the name and address of the person performing the inspection or test. The periodic test and inspection records must be retained until the next inspection or test is completed. Repair records and the initial exceptional inspection and test records must be retained during the period the MEGC is in service and for one year thereafter. These records must be made available for inspection by a representative of the Department on request.

[71 FR 33896, June 12, 2006]

Subpart D—Qualification and Maintenance of IBCs

§180.350 Applicability and definitions.

This subpart prescribes requirements, in addition to those contained in parts 107, 171, 172, 173 and 178 of this subchapter, applicable to any person responsible for the continuing qualification, maintenance, or periodic retesting of an IBC. The following definitions apply:

(a) *Remanufactured IBCs* are metal, rigid plastic or composite IBCs produced as a UN type from a non-UN type, or are converted from one UN design type to another UN design type. Remanufactured IBCs are subject to the same requirements of this subchapter that apply to new IBCs of the same type (also see §178.801(c)(1) of this subchapter for design type definition).

(b) *Repaired IBCs* are metal, rigid plastic or composite IBCs that, as a result of impact or for any other cause (such as corrosion, embrittlement or other evidence of reduced strength as compared to the design type), are restored so as to conform to the design type and to be able to withstand the design type tests. For the purposes of this subchapter, the replacement of the rigid inner receptacle of a composite IBC with one from the original manufacturer is considered a repair. Routine maintenance of IBCs (see definition in paragraph (c) of this section) is not considered repair. The bodies of rigid plastic IBCs and the inner receptacles of composite IBCs are not repairable.

(c) Routine maintenance of IBCs is the routine performance on:

(1) Metal, rigid plastic or composite IBCs of operations such as:

(i) Cleaning;

(ii) Removal and reinstallation or replacement of body closures (including associated gaskets), or of service equipment conforming to the original manufacturer's specifications provided that the leaktightness of the IBC is verified; or

(iii) Restoration of structural equipment not directly performing a hazardous material containment or discharge pressure retention function so as to conform to the design type (for example, the straightening of legs or lifting attachments), provided the containment function of the IBC is not affected.

(2) Plastics or textile flexible IBCs of operations, such as:

(i) Cleaning; or

(ii) Replacement of non-integral components, such as non-integral liners and closure ties, with components conforming to the original manufacturer's

specification; provided that these operations do not adversely affect the containment function of the flexible IBC or alter the design type.

[68 FR 45042, July 31, 2003, as amended at 69 FR 76186, Dec. 20, 2004; 76 FR 3389, Jan. 19, 2011]

§ 180.351 Qualification of IBCs.

(a) *General.* Each IBC used for the transportation of hazardous materials must be an authorized packaging.

(b) *IBC specifications.* To qualify as an authorized packaging, each IBC must conform to this subpart, the applicable requirements specified in part 173 of this subchapter, and the applicable requirements of subparts N and O of part 178 of this subchapter.

[Amdt. 180–5, 59 FR 38079, July 26, 1994, as amended at 66 FR 45391, Aug. 28, 2001]

§ 180.352 Requirements for retest and inspection of IBCs.

(a) *General.* Each IBC constructed in accordance with a UN standard for which a test or inspection specified in paragraphs (b)(1), (b)(2) and (b)(3) of this section is required may not be filled and offered for transportation or transported until the test or inspection has been successfully completed. This paragraph does not apply to any IBC filled prior to the test or inspection due date. The requirements in this section do not apply to DOT 56 and 57 portable tanks.

(b) *Test and inspections for metal, rigid plastic, and composite IBCs.* Each IBC is subject to the following test and inspections:

(1) Each IBC intended to contain solids that are loaded or discharged under pressure or intended to contain liquids must be tested in accordance with the leakproofness test prescribed in §178.813 of this subchapter prior to its first use in transportation and every 2.5 years thereafter, starting from the date of manufacture or the date of a repair conforming to paragraph (d)(1) of this section. For this test, the IBC is not required to have its closures fitted.

(2) An external visual inspection must be conducted initially after production and every 2.5 years starting from the date of manufacture or the date of a repair conforming to paragraph (d)(1) of this section to ensure that:

(i) The IBC is marked in accordance with requirements in §178.703 of this subchapter. Missing or damaged markings, or markings difficult to read must be restored or returned to original condition.

(ii) Service equipment is fully functional and free from damage which may cause failure. Missing, broken, or damaged parts must be repaired or replaced.

(iii) The IBC is capable of withstanding the applicable design qualification tests. The IBC must be externally inspected for cracks, warpage, corrosion or any other damage which might render the IBC unsafe for transportation. An IBC found with such defects must be removed from service or repaired in accordance with paragraph (d) of this section. The inner receptacle of a composite IBC must be removed from the outer IBC body for inspection unless the inner receptacle is bonded to the outer body or unless the outer body is constructed in such a way (e.g., a welded or riveted cage) that removal of the inner receptacle is not possible without impairing the integrity of the outer body. Defective inner receptacles must be replaced in accordance with paragraph (d) of this section or the entire IBC must be removed from service. For metal IBCs, thermal insulation must be removed to the extent necessary for proper examination of the IBC body.

(3) Each metal, rigid plastic and composite IBC must be internally inspected at least every five years to ensure that the IBC is free from damage and to ensure that the IBC is capable of withstanding the applicable design qualification tests.

(i) The IBC must be internally inspected for cracks, warpage, and corrosion or any other defect that might render the IBC unsafe for transportation. An IBC found with such defects must be removed from hazardous materials service until restored to the original design type of the IBC.

(ii) Metal IBCs must be inspected to ensure the minimum wall thickness requirements in §178.705(c)(1)(iv) of this subchapter are met. Metal IBCs not conforming to minimum wall thickness